

**Hawaii Department of Agriculture - Pesticides Branch**  
**4th Quarter Report; EPA Region 9**  
**July - Sept 2016**

**ADMINISTRATIVE:**

Attended Out of State Travel by Staff:

- August 15 – 18, 2016; Sampling Food and Feed for Defensible Decision Course. Phoenix, Arizona. Attended by Joey Chen.
- September 12 – 16, 2016; NPIRS Conference and ALSTAR Meeting. St. Charles, Missouri. Attended by Monica Tauyan.
- September 26 – 29, 2016; Pesticide Regulatory Education Program PREP: Comprehensive Combo Course. Santa Fe, New Mexico. Attended by Ann Kam.

Visit from EPA Region 9.

Alexis Strauss, Acting Regional Administrator of US EPA Region 9, Amy Miller, Special Projects, Office of Regional Administrator US EPA Region 9, and Dean Higuchi Public Affairs Specialist, Hawaii Office Region 9 met with HDOA Chairperson Scott Enright, Deputy to the Chair Phyllis Shimabukuro-Geiser, and staff from the Pesticides Branch to discuss progress on HDOA Pesticides Branch's Action Plan, Title VI - complaint filed by Earthjustice, transparency in responding to community complaints, and training being provided by EPA Region 9 in support of HDOA enforcement inspectors. Also discussed were EPA's progress with the Syngenta case referred by HDOA, local outreach disseminating information on changes to the WPS, and grant of \$500,000 with USGS to continue surface water sampling study. Both A. Miller and S. Enright agreed to hold further discussions.

**PROGRAM HIGHLIGHTS:**

Personnel: The HDOA has made it a departmental high priority to fill inspector positions.

- EHS II, Oahu enforcement inspector Rose Lunasco was hired on August 1, 2016. There are currently 2 vacant enforcement positions on Oahu. Job interviews have been scheduled for the 1<sup>st</sup> week in November.
- EHS III, Chris Gerken, Kona enforcement inspector resigned at COB September 16, 2016. Chris served approximately 25 years in pesticide enforcement on the Big Island. An internal vacancy announcement was made – no applicants. There is active recruitment for this position.
- Derrick Albert who was hired as an EHS III for the Kauai enforcement position in June 2016 submitted his resignation effective COB September 30, 2016. There is active recruitment for this position.
- Recruitment is also taking place for a 2<sup>nd</sup> Maui enforcement inspector.
- Effective October 1, 2016, EHS IV Lester Chin will rotate on T/A as an EHS V Inspector supervising all neighbor island inspectors.
- The Deputy Director (Phyllis Shimabukuro- Geiser) at HDOA continues to T/A as the Acting Plant Industry Administrator (PIA) since the retirement of Dr. Neil Reimer back in April 2016. Recruitment/Interviews for the PIA position continue.
- Other positions in the hiring que are for (1) Case Developer and (3) EHS Education/Certification staff (Oahu, Kauai, Maui).

Pesticides Semi-Annual Training:

Our semi-annual training is scheduled to be held in Honolulu during November 15 – 18, 2016. In attendance from EPA Region 9 will be Katy Wilcoxon who will provide updated information on revisions to the federal Worker Protection Standard and Title VI. Also attending will be Mary Grisier, Scott McWhorter and inspectors from Guam and American Samoa.

USGS Grant:

In June 2016 the HDOA committed \$500,000 to the USGS for surface water study on Oahu and Kauai. This is a continuation of the DOH surface water and sediment study conducted in 2014 also partially funded by the HDOA. During a meeting in September, candidate sampling sites for pesticide monitoring were shared by USGS. Also in September, USGS deployed passive samplers at selected sites on Oahu and Kauai that were previously identified in collaboration with HDOA and HDOH. In addition, USGS will be visiting some of the candidate sampling sites to evaluate appropriate sampling techniques.

Database Consulting Services:

Ongoing meetings continue between Datahouse Consulting, Inc., EHS' Christina Bauske, Lance Kobashigawa and others. Some success with the registration/licensing renewal process has taken place and work continues with the testing of the new IPIS database system utilizing enforcement inspection forms for conducting a MSI as well as testing forms relating to printing of certifications cards and verifying certified applicator's credits.

Development of Managed Pollinator Protection Plan (MP3):

Not too much movement on the development of Hawaii's MP3. Our core group has gotten responses from surveys conducted with Bee keepers and a small amount from the landscape industry. Will next approach the farming and pest control industry for their input. Appears 50/50 that individuals know about the national push for pollinator protection. Trying to get more involvement from others is taxing as everyone has their normal workload to do.

Registration/Licensing:

Licensing:

A total of 199 licenses were processed for this quarter, with fees collected totaling \$44,220.00. There were 198 new product licenses processed and 1 License renewal. (193 for general use and 3 for federal restricted and 2 for state restricted use.)

Special Local Need registrations:

One issued this quarter.

Pending Issuance; SLN HI-160002 Bayer Escort XP for control of wild ginger in forests and other natural areas. Waiting for updated SLN label from registrant HI-120001: Pending PI administrator's signature. Will not issue until current SLN period expires.

Emergency Exemption: None issued or active this quarter.

State Experimental Use Permits: None issued this quarter.

Total Full Groundwater Reviews: 4 this period; Chlorantraniliprole, Cyantraniliprole. Benzovindiflupyr, Bicyclopyrone.

Total Preliminary Groundwater review only: 2 this period; Oxalic acid, N, N'-methylenebis (5-methyloxazolidin

Endangered Species Review Requests (Section 7): None requested.

Chemical Analysis Laboratory (CAL):

A total no. of 927 tests were run for 55 samples pertaining to 18 enforcement cases were finished by both GC/MS and LC/MS equipment. All backlog samples were finished, except a set of bee samples which will requires a methodology to be set up.

- A draft MOU contract was completed by HDOA and forwarded to the California Department of Food and Agriculture - Food Safety Section, Center for Analytical Chemistry (CAC) for comment. This MOU is being set up as a backup if the HDOA CAL lab equipment is down for a lengthy period.
- The 2<sup>nd</sup> maintenance contract of the new LC/MS is under preparation. The LC/MS equipment breakdown was the major reason for causing the backlog of running samples last year. The maintenance contract will help assure that sample analysis will be completed on schedule.

Education/Certification:

Applicator Certification and Training Work plan:

- A total of 10 statewide certification examination sessions were held.
- One hundred thirty-five (135) examinees were tested in Private applicator or Commercial applicator categories. Out of these examinees, 32 individuals became newly certified applicators and another 25 individuals were re-certified in their appropriate work profession categories.
- 14 certified applicators collectively earned 65 recertification credits by taking quizzes.
- CET training classes were held and attended by approximately 67 certified applicators. These attendees collectively earned 185 recertification credits.

Worker Protection Safety Trainings:

- Maui County Parks, UH faculty and experiment station at Komohana Research and Extension Center, Kona Cooperative Extension Service (90)
- UH Lyon Arboretum (8); handlers
- UH Manoa (100); workers and handlers

Other trainings/technical assistance provided by Pesticide Education staff included topics on:

- Proper pesticide use, label review, safety, PPE, storage, recordkeeping, heat stress, calculating use rates, drift, spills; pollinator protection, rules and regs.
  - HDOT Hilo (50)
  - HDOT Waimea (30)
  - Nii Nursery (1)
  - Mary's Bougainvilleas (1)
- Little Fire Ant Information.
  - Hawaii Ant Lab (21)
- 2016 Hawaii Pest Control Association (HPCA) learning conference: HDOA maintained a booth offering printed materials and marketing collaterals. Introduced HDOA's on line access app for applicators to check their certification credits.

- Vegucation Event: HDOA maintained a table at a MONSANTO function and provided new WPS outreach materials to ~ 50 attendees.

Enforcement Highlights:

Oahu.

- Eight complaints were received during this period. Two withdrew their complaints, one did not return HDOA's calls and one failed to show up at a scheduled meeting. Three are being investigated and one is pending the return of the company owner from Europe. All of the complaints were urban-structural in nature.
- On 08/25/16, an odor complaint to our office was initiated by Gilbert Chun of the Department of Education. A resident near Koko Head Elementary School applied Malathion to his yard and the odor was smelled at the school. Children complained of nausea and headaches. No Malathion was detected in the swab samples that were taken from the school.
- On 09/09/16, a follow up investigation to a complaint was conducted at Love's Bakery with hired applicator Ecolab. Suspected violations were pesticide container disposal and retreatment of Arilon.

Maui/Molokai.

- Three pesticide use complaints were received during this time period.
- In the past, a Paia based plant nursery filed complaints of alleged volatilization of ametryn and atrazine in the air in Paia. However, during this time period, the nursery filed a complaint alleging that ametryn, diuron and atrazine are now in the County of Maui, Department of Water Supply tap water. The complainant believed that the three pesticides have leached into the central Maui groundwater that supplies Paia. Water samples taken from the nursery were analyzed for the two non-regulated chemicals, ametryn and diuron. There was no detection of either of the chemicals.
- The second complaint that was followed up on dealt with a trademarked soil amendment allegedly being used as a pesticide. The applicator denied using the soil amendment as a pesticide product.
- There are six fumigation companies operating in Maui County. During this time period, two fumigation monitoring inspections were conducted. One of these fumigation monitoring inspections was at the initial start-up fumigation of a condominium complex in Kihei. Approximately 28 buildings were to be fumigated over a period of two months. The person in charge of the fumigation activities commented that the initial units being fumigation were difficult since the occupants were most vocal in opposing the fumigation

Kauai.

Only three complaints were received this quarter.

- A complainant who lives in a residential neighborhood, complained about air quality and neighbors spraying pesticides. Complainant did not meet with the inspector as scheduled and has not called back.

- A second complaint involved an application of a pesticide, an insect growth regulator near children in a park in Princeville.
- The third complaint involved marijuana plants. The complainant suspected that a family member sprayed Round up on her medicinal marijuana plants being grown for a patient. Swab samples were collected. The applicator has not cooperated to meet with the inspector.
- The Terminix International Company, L.P. investigation has been completed, reviewed by the case developer and forwarded to EPA Region 9 for action.

Hawaii Island.

There were no Ag complaints. Six (6) urban structure complaints were investigated:

- On 7/7/16, a complainant called HDOA Hilo about an application of Milestone done by the Big Island Invasive Species Committee (BIISC) in Kalapana Seaview Estates. Complainant said BIISC had applied Milestone using a hack and squirt method to an Albezia tree growing 50 feet from her house. Complainant said Milestone cannot be applied in urban areas. Case remains open.
- On 7/8/16, a complainant called HDOA about a neighbor, that has been spraying unknown pesticides and not wearing protective gear while doing so and that the spray drifts into her yard. The applicator said he had bought a bottle of herbicide to use on the weeds growing in his yard and no longer had the herbicide and did not know the Brand Name or EPA registration number. No pesticide product was identified. Applicator said he does not spray near complainant's yard.
- On 8/1/16, a complainant called HDOA about a neighbor's pesticide application drifting onto his property, damaging plants and causing health issues. Visible were several patches of dead weeds that the complainant said were from his own application of Roundup a couple of weeks earlier. The applicator who was interviewed said he had applied Makaze (active ingredient Glyphosate). The Makaze label was reviewed with the applicator and it appears that the applicator followed all label rates and directions. Drift could not be determined because the complainant sprayed his own property with Glyphosate.
- On 8/10/16, a complainant called HDOA about an upcoming application of Milestone that BIISC was planning. Complainant said the Milestone label does not allow use in urban areas. The Milestone label was reviewed and no restrictions on use in urban areas was noted. This application of Milestone using the hack and squirt method in Albezia trees was monitored by enforcement staff. No suspected violations were noted.
- On 9/8/16, a complainant called HDOA about a pesticide application made by Terminix on 8/24/2016. The complainant lives at an elderly housing and is sensitive to pesticides. Complainant said that a Terminix employee sprayed an unknown pesticide outside her window, and that this pesticide irritated her throat and eyes. A follow-up was conducted with the Terminix applicator on 9/28/16. As the applicator did not have his application equipment with him during this inspection, a second visit was planned for early October 2016 to determine if label directions were followed.

- On 9/13/16, a complainant called HDOA about his neighbor applying Roundup to a vacant lot owned by a third party like clockwork on the first of every month. The alleged applicator stated that he has never applied pesticides to the vacant lot owned by the 3<sup>rd</sup> party and went on to explain that he and the 3<sup>rd</sup> party are pursuing restraining orders against the complainant due to several instances of verbal abuse by the complainant. The 3<sup>rd</sup> party said she sprayed her lot one time “about a year or two ago” and that since the complainant’s first complaint, she has been paying a gardener to bush cut her vacant lot.